

REMARKS

This is in response to the Office Action on June 18, 2003. In the Office Action, claims 25-28 and 32-35 were rejected, claims 17-24 and 35-81 were allowed, and 29-31 claims were objected to. With this response, Claims 25-28 and 44 were amended, claims 1 and 31 are canceled, and claims 17-81 are pending and presented for consideration and favorable action.

In the Office Action, the Examiner raised issues regarding the length of the Information Disclosure Statement. On page 2 of the Office Action, the Examiner notes that the numerous references listed on the Information Disclosure Statements make it difficult to determine whether or not any of the references, or parts of the references, are material to Applicants' claimed invention.

Section 2004 of the Manual of Patent Examination and Procedure (MPEP) states that:

When in doubt, it is desirable and safest to submit information. Even though the attorney, agent, or applicant doesn't consider it necessarily material, someone else may see it differently and embarrassing questions can be avoided. The court in *U.S. Industries v. Norton Co.*, 210 USPQ 94, 107 (N.D. N.Y. 1980) stated "In short, the question of relevancy in close cases, should be left to the examiner and not the applicant." See also *LaBounty Mfg., Inc. v. U.S. Int'l Trade Comm'n*, 958 F.2d 1066, 22 USPQ2d 1025 (Fed. Cir. 1992).

Based on the above MPEP guidelines to comply with the duty of disclosure, Applicants have submitted all prior art which has arisen in connection with other applications by the Applicant in similar technology or related field.

In the Office Action, independent claim 25 was rejected. With this response, the allowable subject matter of

dependent claim 31 is added to claim 25 and the rejection may be withdrawn.

Applicant notes that in paragraph 7 of the Office Action, claim 31 was indicated as being rejected. However, in paragraph 8 of the Office Action, claim 35 was indicated as being allowed. It is believed that paragraph 8 is correct and that claim 35 was allowed by the Examiner. If this is incorrect, Applicant respectfully requests additional time to reply to this rejection.

In view of the above comments, amendments and remarks, we believe the present application is in condition for allowance. Consideration and favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Judson K. Champlin, Reg. No. 34,797
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

JKC/rkp